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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/863,541

05/22/2001

Therin L. Dastrup

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07/07/2004

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EXAMINER

CORSARO, NICK

ART UNIT

PAPER NUMBER

2684

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DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/863,541

Applicant(s)

DASTRUP ET AL.

Examiner

Nick Corsaro

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "CHANNEL SELECTION IN AIRCRAFT COMMUNICATIONS SYSTEM BY DETERMINING ZONE LOAD AND SELECTING ALTERNATE CARRIER".

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6-15, 17, 21, and 22, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward et al. (6,282,417) in view of Hogg et al. (6,430,412).

Consider claims 1, 9, 13, and 17, Ward discloses a method of aircraft communications (see abstract lines 1-10). Ward discloses identifying current service volume (see col. 8 lines 35-67). Ward discloses identifying an available VHF communication channel frequency from a table of preferred VHF frequencies associated with said current service volume (see col. 8 lines 57-67, and col. 9 lines 39-58). Ward discloses selecting a preferred communication frequency characteristic from a table of characteristics associated with said current service volume and according to said available VHF communication channel frequency and effecting airborne communications utilizing said preferred communication characteristic (see col. 10 lines 11-62).

Art Unit: 2684

Ward does not specifically disclose a frequency attribute. Hogg teaches a frequency attribute (see col. 3 lines 14-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Ward, and select an attribute, as taught by Hogg, thus allowing the minimization of problems with the channel, as discussed by Hogg (col. 3 lines 1-12).

Consider claims 2 , 3, and 4, Ward discloses the service volumes define regions (see col. 6 lines 45-67).

Consider claims 6, 7, 10-12, 15, and 22, Ward discloses selecting the communication characteristic of VHF (see col. 10 lines 23-62). Ward does not specifically disclose a frequency attribute of HF. Hogg teaches a frequency attribute of HF (see col. 3 lines 14-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Ward, and select an attribute of HF, as taught by Hogg, thus allowing the minimization of problems with the channel, as discussed by Hogg (col. 3 lines 1-12).

Consider claims 8, 14, 21, Ward discloses position (see col.8 lines 34-67).

3. Claims 5, 16, 18, 19, 20, and 23-26 rejected under 35 U.S.C. 103(a) as being unpatentable over Ward in view of Hogg as applied to claim 1 above, and further in view of Kocin et al. (6,721,559).

Consider claim 5, 16, 18, 19, 20, 23-26, Ward and Hogg discloses several communications selection to assure communications including several types of communication systems inherently including those communications systems used by other network providers, as

Art Unit: 2684

discussed above, however do specifically disclose air to air links. Kocin teaches air-to-air links (see col. 2 lines 1-10, and col. 4 lines 10-42). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Ward and Hogg, and have air-to-air, as taught by Kocin, thus allowing continued communications with adaptable demands, as discussed by Kocin (col. 2 lines 34-50).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(6,408,180), McKenna discloses a communications system.

5. Any inquiry concerning this communication should be directed to Nick Corsaro at telephone number (703) 306-5616.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung, can be reached at (703) 308-7745. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth, Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 customer Service Office whose telephone number is (703) 306-0377.

Application/Control Number: 09/863,541

Page 5

Art Unit: 2684

Nick Corsaro

Primary Examiner

A handwritten signature in black ink, appearing to read 'Nick Corsaro', with a long horizontal flourish extending to the right.

**NICK CORSARO
PATENT EXAMINER**